

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
	Plaintiff,)
vs.)	Case No. 04-0404-01-CR-W-FJG
Duane C. Carter,)	
	Defendant.)

ORDER

Pending before the Court is defendant's motion to suppress statements (Doc. #34), filed July 19, 2005, and the government's response thereto (Doc. #44), filed July 27, 2005. Also pending is defendant's motion to suppress physical evidence (Doc. #36), filed July 21, 2005, and the government response (Doc. #45), filed July 28, 2005.

On August 10, 2005, United States Magistrate Robert E. Larsen held an evidentiary hearing on the pending motions to suppress. Thereafter, on August 30, 2005, the Magistrate Larsen entered a report and recommendation (Doc. #50) which recommended denying defendant's motion to suppress statements. Magistrate Larsen's report recommending denial of defendant's motion to suppress physical evidence (Doc. #51) was filed September 6, 2005. No objections to reports and recommendations (Doc. #50 and #51) were filed.

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendant's motion to suppress statements (Doc. #34), filed July 19, 2005, must be denied; and defendant's motion to suppress physical evidence (Doc. #36), filed July 21, 2005, must be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to suppress statements (Doc. #34), is denied,

and defendant's motion to suppress physical evidence (Doc. #36), filed July 21, 2005, is denied.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: October 3, 2005
Kansas City, Missouri